



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 1, 1996

Ms. Vicki D. Blanton  
Assistant City Attorney  
Criminal Law and Police Division  
Office of the City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR96-0472

Dear Ms. Blanton:

You ask whether certain information is subject to required public disclosure under the chapter 552 of the Government Code. Your request was assigned ID# 38851.

The Dallas Police Department (the "department") received a request for records relating to an investigation of a sexual assault claim. You contend the requested information is excepted from required public disclosure under section 552.101 of the Government Code in conjunction with section 34.08 of the Family Code.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 34.08 was repealed by the Seventy-fourth Legislature and codified at section 261.201 of the Family Code. Section 261.201(a) of the Family Code provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

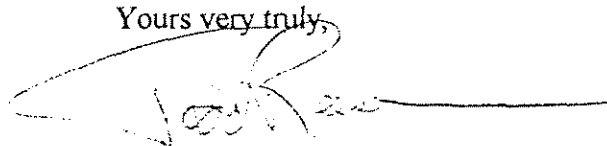
(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report;

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.<sup>1</sup>

(Footnote added). The information you submitted appears to be an investigation of alleged abuse to a child under chapter 261 and, therefore, section 261.201(a) makes this information confidential. Additionally, the exceptions to section 261.201 do not appear to apply here. Because you have not cited any specific rule that the department has adopted with regard to the release of this type of information, we assume that no such regulation exists. Accordingly, we agree that the requested information is made confidential by section 261.201 of the Family Code and must be withheld from disclosure under section 552.101 of the Government Code. See Open Records Decision No. 440 (1986) (applying former Fam. Code § 34.08).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/ch

Ref.: ID# 38851

Enclosures: Marked documents

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<sup>1</sup>Section 261.201 was added to the Family Code in the last legislative session and became effective, as amended, on September 1, 1995. Act of April 6, 1995, 74th Leg., R.S., ch. 20, § 1, 1995 Tex. Sess. Law Serv. 113, 262 (Vernon); Act of May 25, 1995, 74th Leg., R.S., ch. 751, §§ 93, 129, 1995 Tex. Sess. Law Serv. 3888, 3924, 3933 (Vernon). We apply the new law, as the request for information was received by the governmental body after September 1, 1995. However, we note that the result would be the same regardless of which law we applied to the requested information.

cc: Mr. Kennedy Barnes  
White Hill Sims & Wiggins, L.L.P.  
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(w/o enclosures)